

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DWIGHT PURK, et al.,

Plaintiffs,

Case No. C-3-03-cv-287

-VS-

District Judge Thomas M. Rose

UNITED STATES OF AMERICA, et al.,

Defendants.

**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF THE
CHIEF MAGISTRATE JUDGE (DOC. #79) OVERRULING OBJECTIONS (DOC.
#80) DENYING MOTION TO REOPEN (DOC. #78)**

This matter comes before the Court pursuant to Objections (Doc. #80) to the Report and Recommendation of Chief Magistrate Judge Michael Merz (Doc. #79) recommending that Intervening Plaintiff's Motion to Reopen (Doc. #78) be denied.

The Court has reviewed the comprehensive findings of the Magistrate Judge and pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. P. 72(b), this Court has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections are not well-taken and are hereby OVERRULED.

The Court concurs that the present Motion restates the law and arguments already considered by this Court in ruling on the Defendant's Motion to Dismiss.

. The Court ADOPTS the Chief Magistrate Judge's Report and Recommendations in their entirety and DENIES the Intervening Plaintiff's Motion to Reopen.

IT IS SO ORDERED

June 8, 2006

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE